

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTINA REYES,

Plaintiff,

- against -

ANDREW M. SAUL, Commissioner  
of Social Security,

Defendant.  
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Ramos, D.J.:

**ORDER**  
18 Civ. 3041 (ER)  
USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC # \_\_\_\_\_  
DATE FILED: Sept. 30, 2019

Martina Reyes (“Plaintiff” or “Reyes”) commenced this action against Commissioner of Social Security (“the Commissioner”), seeking review of a denial of eligibility for Disability Insurance Benefits and Supplemental Security Income, pursuant to 42 U.S.C. §§ 205(g) and 405(g). On September 13, 2018, the Commissioner of Social Security filed a motion for judgment on the pleadings. Doc. 10. On April 1, 2019, the Court referred the case to Magistrate Judge Barbara C. Moses. Doc. 13. On August 27, 2019, Magistrate Judge Moses issued the Report and Recommendation (“R&R”), recommending that the Commissioner’s motion be denied, and the action remanded to further develop the record, and notifying the parties that they had fourteen days from service of the Report and Recommendation to file written objections. Doc. 14. No objection to the Report has been filed.

**I. Standard of Review**

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also*

Fed. R. Civ. P. 72(b)(2). A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008). The district court will also review the report and recommendation for clear error where a party's objections are "merely perfunctory responses" argued in an attempt to "engage the district court in a rehashing of the same arguments set forth in the original petition." *Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (citations and internal quotation marks omitted).

## **II. Discussion**

Despite the Commissioner's failure to object to the Report, the Court has reviewed Magistrate Judge Moses's thorough and well-reasoned Report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Moses's recommendation to deny the Commissioner's motion and remand the case.

For the reasons set forth above, the Commissioner's motion for judgment on the pleadings is DENIED. The Clerk of the Court is respectfully directed to terminate the motion and remand the case. Doc. 10.

It is SO ORDERED.

Dated: September 30, 2019

New York, New York



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Edgardo Ramos, U.S.D.J.